

UNITED STATES DISTRICT COURT
for the
Western District of New York



United States of America

v.

BRANDON PRITCHETT

Date of Previous Judgment or

Last Sentencing Reduction 4/9/09

(Use Date of Last Order of the Court)

) Case No: 04-CR-6157

) USM

) No: 12446-055

) Mary Beth Covert, A.F.P.D.

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment or sentencing reduction issued*) of 84 months is **reduced to** 70 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>25</u>	Amended Offense Level: <u>23</u>
Criminal History Category: <u>IV</u>	Criminal History Category: <u>IV</u>
Previous Guideline Range: <u>84</u> to <u>105</u> months	Amended Guideline Range: <u>70</u> to <u>87</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☒ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.


☐ Other (*explain*): Effective November 1, 2011, the defendant will have served 70 months and 8 days, therefore, the defendant is sentenced to time served and is eligible for immediate release.

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 4/9/09 shall remain in effect.

IT IS SO ORDERED.

Order Date: October 27, 2011


Judge's signature

Effective Date: November 1, 2011
(if different from order date)

Hon. Charles J. Siragusa
Printed name and title